

**REMARKS**

Reconsideration of this application in accordance with the following is solicited.

Initially, the undersigned counsel, Mr. Toshiaki Katoh, and the Applicants thank the Examiner for her assistance during the telephone interview of March 13, 2003. During the interview, amendments to the claims and specification were discussed in order to obtain quick allowance of this application. The application has been amended accordingly.

As to the formal reply to the Paper No. 9, claims 1-40 are pending in this application. Claims 1, 22, 23, 29, 35, 39, and 40 were rejected. Claims 2-21, 24-28, 30-34, and 36-38 were objected to as being dependent on rejected base claims, but otherwise allowable if rewritten in independent form.

By this paper, claims 1, 2, 3, 22, 23, 29, 35, and 39 have been amended as discussed during the interview. Hence, claims 1 and 2 both are now independent. Claim 2 has been amended to incorporate the subject matter of original claim 1 therein. Therefore, claim 2 retains its original scope 1. (Claim 1 has been amended as discussed below.) Claim 3 has been made to depend from both claims 1 and 2. This results in the addition of thirty-two (32) new dependent claims over 46. Thus, the additional amount of \$576 needed for extra claims fees is included in the check submitted herewith.

Applicants request formal reconsideration and withdrawal of the rejections and objections of the Office Action in light of the following comments.

## **Specification**

The specification was objected to by the Examiner for failing to cross-reference related applications as required under 37 CFR § 1.78. In response, a proper cross-reference statement has been added to the first line of the specification, as suggested by the Examiner. Therefore, withdrawal of the objection is respectfully requested.

## **Claim Rejection – 35 U.S.C. § 112**

Claims 22, 29 and 35 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. In reply, claim 22 has been amended to remove the phrase “said connection means that” as agreed during the interview. Claims 29 and 35 have been amended to remove the phrase “said plurality means 2” and “said plurality means two”, also as agreed during the interview. Applicants submit that these amendments are for clarity and do not narrow the scope of the claims. Applicants respectfully submit that, as amended herein, claims 22, 29 and 35 comply with 35 U.S.C. § 112.

## **Double Patenting**

Claims 1, 2, and 39 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 5 of U.S. Patent No. 6,351,196. In response, a Terminal Disclaimer has been filed. Applicants therefore respectfully submit that the rejection should be withdrawn. The attached check includes \$110 directed to the government fee required for this statutory disclaimer.

**Claim Rejection – 35 U.S.C. § 102**

Claims 1 and 39 are rejected under 35 U.S.C. § 102(b) as being anticipated by Saw et al. (US 5,365,138) and claims 1, 23/1, 39 and 40 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Saw et al. (US 5,835,990).

Again, as per the telephone interview, claim 1 has been amended to include the following recitation: “wherein said plurality of divisional IDT electrodes includes at least three divisional IDT electrodes”. As agreed with the Examiner, this amendment distinguishes Applicants’ invention from those claimed in both patents because the alleged prior art fails to disclose this feature. As such, this amendment of claim 1 overcomes both the §102 (b) and §102 (e) rejections. In addition, the amendment of claim 1 overcomes the rejections to all rejected claims that depend from claim 1. Therefore, claims 1, 23/1, 39 and 40 are submitted as allowable.

**CONCLUSION**

In view of the foregoing amendments and Remarks, Applicants respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections. It is believed that a full and complete response has been made to this Office Action and that claims 1-40 should be allowed. Thus, prompt and favorable consideration of this Amendment is respectfully requested and allowance of this application is earnestly solicited.

Respectfully submitted,

Date: April 23, 2003

Signature:

  
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